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PART III.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. Fl. 964—*S. R.* 20-08-3, *dated* 20*th August* 1908.

In exercise of the powers conferred by Section 2, Act XVI of 1863, as applied to Mysore by Regulation, II of 1885, and Sections 13 and 15 of the Mysore Excise Regulation, V of 1901, in that regard, and in exercise of all other powers enabling them in this behalf, the Government of His Highness the Maharaja of Mysore are pleased to make the following amendments to the Methylated Spirit Rules published under Government Notification No. Fl. 4727—S. R. 130-07-2, dated 21st March 1908, and these amendments will come into force at once :—

1. Insert the following as Rules 3(*a*) and 4(*a*) :—

"3(*a*) Methylated Spirit may be imported by holders of M. S.—1*a* licenses on payment to the Mysore State of a duty of 5 per cent *ad valorem* and on obtaining from the Deputy Commissioner of the District concerned a permit in Form M. S.—2*a* to be had on application in Form M. S.—3*a*."

"4(*a*) Chemists and others requiring caoutchoucined spirit for use in their business, but not for sale, will be given special licenses (M. S.—1*a*) on application, supported by evidence as to their requirements, through the Deputy Commissioner of the District in which they carry on their business, to the Excise Commissioner."

2. Insert the words "by Deputy Commissioners" after the word "issued" in line 1 of Rule 4. Also insert the following sentence after the first sentence in the same rule:—

"All such applications should be forwarded to the Excise Commissioner through the Deputy Commissioner of the District in which the applicant wishes to hold his license."

3. Insert after the words "the holders of (M. S.—1)" in Rule 5 the words "and M. S.—1*a*." After the word "price" in line 2 put a comma and *add* the words "cost of carriage."

4. Substitute the following for condition 2 of the license for the sale of Methylated Spirit:—

"2. Methylated Spirits may be obtained from the Bonded Depot, on payment of the reduced duty at 5 per cent *ad valorem*, and price and cost of carriage at such rate as may be fixed by the manufacturers and Government respectively, into a Taluk Treasury on the prescribed chellan and on production of a written permission from the Deputy Commissioner of the District in which the shop is located. All applications for such permission must be in the prescribed form. Books of form of application may be had on payment of their cost price."

Thus amended and re-numbered the rules will read as follows and should be cited accordingly in supersession of previous notifications on the subject:—

1. Methylated Spirit is spirit rendered effectually and permanently unfit for human consumption by the admixture of caoutchoucine or in special cases of wood-naptha.

2. It is liable to duty of 5 per cent *ad valorem*, the value to be fixed by the Excise Commissioner subject to revision by Government. The manufacturers should declare the sale price of the spirit for the purpose of calculating the duty.

3. It may be manufactured at the Government Central Distillery at Bangalore, provided:—

(1) that the caoutchoucine to be mixed with the spirit must be first tested and approved by the Chemical Examiner to Government,

(2) that it must be kept under lock and key by, and used under the supervision of, the Distillery Officer,

(3) that it must be used in the proportion of one part by volume of caoutchoucine to 99 parts by volume of the spirit, and

(4) that the spirit shall not be of less strength than 30 per cent over-proof.

Similar conditions apply to the use of wood-naptha in the special cases where its use is permitted by the Excise Commissioner in Mysore, with this difference, that one part by volume crude wood-naptha shall be mixed with nine parts of spirits and that the use of wood-naptha in a highly purified condition will not be permitted.

3(*a*) Methylated Spirit may be imported by holders of M. S.—1*a* licenses on payment to the Mysore State of a duty of 5 per cent *ad valorem* and on obtaining from the Deputy Commissioner of the District concerned a permit in Form M. S.—2*a* to be had on application in Form M. S.—3*a*.

4. Licenses (M. S.—1) for the sale of Methylated Spirits will be issued by the Deputy Commissioner free of fee to respectable applicants on their showing that they have a legitimate demand for such spirit. All such applications should be forwarded to the Excise Commissioner through the Deputy Commissioner of the District in which the applicant wishes to hold his license. But the issue of licenses to persons licensed to sell liquor for consumption on the premises is prohibited.

4(*a*) Chemists and others requiring caoutchoucined spirit for use in their business, but not for sale, will be given special licenses (M. S.—1*a*) on application, supported by evidence as to their requirements, to the Excise Commissioner through the Deputy Commissioner of the District in which they carry on their business.

5. The holders of (M. S.—1. and M. S.—1*a*) licenses may obtain their supplies of spirit from the Bonded Depot on payment of the price, cost of carriage and duty to the Taluk Treasury and on production of a written permission (M. S.—2) from the Deputy Commissioner of the District in which the shop is located. Books of forms of application for such permission (M. S.—3) will be supplied to them.

6. For the issue of Methylated Spirits from the Distillery to Bonded Depots the rules applicable to arrack and other country spirits shall apply *mutatis mutandis*.

7. No issue of more than 100 gallons of Methylated Spirit at a time to any license-holder is permitted.

8. Unlicensed persons are prohibited from selling Methylated Spirit and from possessing more than one gallon at a time. This limit is fixed under Section 13 of the Excise Regulation, V of 1901. Breach of this rule will subject the offender to the penalties prescribed in the Regulation.

9. Materials intended for use in the methylation of spirits must be delivered by the manufacturers into the charge of the Distillery Officer who will take a sample from each separate cask or parcel thereof and forward the same to the Excise Commissioner in Mysore for transmission to the Chemical Examiner, and will secure the bulk under a lock in a separate secure room or godown to be provided by the distiller. No portion of such bulk shall be used for the purpose of methylation or be transferred to the Warehouse until the receipt of the Chemical Examiner's report. On the receipt thereof, if it be to the effect that the materials are not suitable for use in methylation, the officer shall deliver the same to the manufacturers who shall be bound forthwith to remove the same from the premises and not bring them back again. If, however, the Chemical Examiner's report is to the effect that the materials are suitable for use in methylation, the officer will cause them to be removed into and to be secured in the Distillery Warehouse, and at the same time enter them in the register (M. S.—4).

10. A register in the form (M. S.—4) shall be maintained at the Government Central Distillery at Bangalore.

Form M. S.—1.

LICENSE FOR THE SALE OF METHYLATED SPIRITS.

I,.....Deputy Commissioner of....., under the provisions of the Mysore Excise Regulation, No. V of 1901, hereby license you..... to sell Methylated Spirits at your shop at.....subject to the following conditions and stipulations to be observed by you, the said

CONDITIONS.

---

1. This license extends only to the sale of Methylated Spirit, which means spirit which has been rendered effectually and permanently unfit for human consumption by the admixture of caoutchoucine in accordance with the rules prescribed on the subject.

2. Methylated Spirits may be obtained from the Bonded Depot, on payment of the reduced duty at 5 per cent *ad valorem*, and price and cost of carriage at such rate as may be fixed by the manufacturers and Government respectively, into a Taluk Treasury on the prescribed challen (M. S.—6) and on production of a written permission from the Deputy Commissioner of the District in which the shop is located. All applications for such permission must be in the prescribed form. Books of forms of application may be had on payment of their cost price.

3. No more than one gallon of Methylated Spirits shall be sold at any one time to any one person.

4. The shop for which this license is granted shall not be kept open between the hours of 9 P.M. and 6 A.M., except with the permission of the Deputy Commissioner.

5. The shop shall not be located in the same building with a foreign liquor tavern, refreshment room, hotel, arrack, or toddy, or other shop for sale of intoxicating liquor for consumption on the premises.

6. This license shall be hung up in a conspicuous place in the shop.

7. The privilege of vend of Methylated Spirits shall not be sold, transferred or sub-rented except with the permission of the Excise Commissioner.

8. A correct account shall be kept of the daily transactions under this license in the following form. Such account and the stock of the spirit shall be produced immediately on demand for inspection by any Excise Officer of not lower rank than Assistant Inspector:—

M. S.—5.

Date	Opening balance		Quantity received		Source of supply	Total quantity in hand and received		Quantity sold (each transaction)		Name of purchaser	Address of purchaser	Total quantity sold each day		Remarks.
1	2		3		4	5		6		7	8	9		10
	Gls.	Qt. B.	Gls.	Qt.		Gls.	Qt. B.	Gls.	Qt. B.			Gls.	Qt. B.	

9. An inspection note-book shall also be maintained intact with the pages numbered consecutively, so that officers inspecting the shop may enter their remarks therein. The note-book shall be handed over to the Range Inspector or any officer authorized by him to receive it at any time on a receipt being given therefor.

10. In case of breach of any of the conditions of this license, it shall be competent to the Deputy Commissioner to impose a fine not exceeding Rs. 10 for every such breach of such conditions or to cancel the license forthwith.

11. The imposition of a fine or cancellation of this license under the foregoing conditions shall not be held to prevent the holder of the license from being prosecuted under the Mysore Excise Regulation No. V of 1901.

12. This license shall also be revocable by the Deputy Commissioner, with the sanction of the Excise Commissioner, for any other cause or giving fifteen days' notice of such revocation.

Dated

Deputy Commissioner,
District.

COUNTERPART AGREEMENT.

Having been authorized by the Deputy Commissioner of the District of..... to sell Methylated Spirit at.....in the town of....., from the 1st day of July 190 , to the 30th day of June 190 . I, son of..... .. .., residing at .....do for myself, my heirs, my legal representatives and assigns hereby agree with the said Deputy Commissioner that I will well and truly observe and perform the conditions and stipulations contained in the license No. , dated the..... day of 190 , issued to me by the said Deputy Commissioner.

Dated the.....day of.....190 .

Signature.

Form No. M. S.—1*a*.

License for possession and use of Methylated Spirit by Chemists and others.

I,..... ....., Deputy Commissioner of the District of....., hereby license you....., residing at..... ....., to possess spirit spoiled with caoutchoucine for use in....., during the year ending 30th June 190 , subject to the following conditions and stipulations to be observed by you, the said..... :—

CONDITIONS.

1. This license extends only to the possession and use, and not to sale, of caoutchoucined spirit, which means spirit rendered effectually and permanently unfit for human consumption by the admixture of caoutchoucine in accordance with the rules prescribed on the subject.

2. The spirit may be obtained from a Bonded Depot, on payment of the reduced duty at 5 per cent *ad valorem*, and cost of carriage and price at such rate as may be fixed by Government and the manufacturers respectively, into a Taluk Treasury on the prescribed chellan and on production of a written permission (M. S. 2) from the Deputy Commissioner of the District concerned. All applications for such permission must be in a prescribed form. Books of forms of application may be had on payment of their cost price.

3. The spirit may also be obtained by import on payment to the Mysore State of a duty of 5 per cent *ad valorem* and on obtaining from the Deputy Commissioner of the District concerned a permit in Form M. S.—2*a* to be had on application in Form M. S.—3*a*.

4. The spirit thus obtained shall be kept only in the place of business and shall not be sold or utilized otherwise than for the purpose of the business for which the license is granted; nor shall it be transferred to any other person.

5. The premises for which this license is granted shall be open to inspection by any officer of the Excise Department not below the rank of an Inspector; and the Inspector shall be furnished with such information regarding the quantity of the spirit used in the business as may be required by him.

6. A correct account shall be kept of the daily transactions under this license in the following form. Such account, together with the license, permits and the stock of spirit shall be produced immediately on demand for inspection by any Excise Officer of not lower in rank than an Inspector :—

Form M. S.—5*a*.

Date	Opening balance		Quantity received		Source of supply	Total quantity in hand and received		Quantity used		Remarks
1	2		3		4	5		6		7
	Gals.	Qt. B.	Gals.	Qt. B.		Gals.	Qt. B.	Gals.	Qt. B.	

7. An inspection note-book shall also be maintained intact with the pages numbered consecutively so that officers inspecting the premises may enter their remarks therein. The note-book shall be handed over to the Inspector of the Range or any officer authorized by him to receive it at any time on a receipt being given therefor.

8. In case of breach of any of the conditions of this license, it shall be competent to the Deputy Commissioner to impose a fine not exceeding Rs. 10 for every breach of such conditions, or to cancel the license forthwith.

9. The imposition of a fine or cancellation of this license under the foregoing condition shall not be held to prevent the holder of the license from being prosecuted under the Mysore Excise Regulation, V of 1901, or Act XVI of 1863, as applied to Mysore by Regulation, II of 1885.

10. This license shall also be revocable by the Deputy Commissioner with the previous sanction of the Excise Commissioner for any other cause on giving fifteen days' notice of such revocation.

Dated the.....day of.....190 .

Deputy Commissioner.

Form M. S.—2.

Permit for Transport of Methylated Spirits to be granted to Licensed Vendors.

COUNTERFOIL.

No.

Date of application

Name of applicant

Address in full

Quantity to be transported

Name of the Bonded Depôt

Date

Initials.

No.

Dated 190 .

Licensed vendor at.....is hereby permitted to transport.....gallons of Methylated Spirits from the Bonded Depôt at.....to his licensed shop at.....

The permit shall be carried with the consignment of the spirit, the transport of which it is intended to cover and is current for.....days.

Deputy Commissioner.

Form M. S.—2*a*.

COUNTERFOIL.

No.

Date of application

Name of applicant

Address in full

Quantity to be imported

Name of the Custom-house or other place from which the spirit is imported.

Period of currency

Date

Initials.

No.

Dated.....190 .

.....Chemist,..... .....etc., at ....., is hereby permitted to import / transport ..... gallons of Methylated Spirit from the Custom-house or other place / Bonded Depôt at..... .....to his place of business at.....

The permit shall be carried with the consignment of the spirit, the transport of which it is intended to cover and is current for..... days from the date of the issue of the consignment.

Deputy Commissioner.

The consignment was issued on.....

Custom-house officer or other person. / Depot-keeper.

N. B.—This form shall be in triplicate, the original to be issued to the licensee, the duplicate forwarded to the Inspector of the Range and the counterfoil retained in the Deputy Commissioner's Office.

2. The Range Inspector shall verify the consignment and after noting the certificate of verification on the duplicate permit shall return the same to the Deputy Commissioner's office, where it should be pasted to the counterfoil.

Form M. S.—3.

Application for permit for transport of Methylated Spirits granted to Licensed Vendors.

No. Dated 190 .

To

The Deputy Commissioner of.....

Sir,

Please permit me to transport.....gallons of spirit rendered effectually and permanently unfit for human consumption by the admixture of caoutchoucine from the Bonded Depôt at.....I herewith enclose Treasury receipt No.....dated..... for Rs. , being the duty, price and cost of carriage on the aforesaid quantity.

Licensed Vendor.....

Address in full.....

Form M. S.—3*a*.

Application for permit for $\frac{\text{import}}{\text{transport}}$ of Methylated Spirit granted to licensed Chemists or others.

No. Dated.....190 .

To

The Deputy Commissioner of.....

Sir,

Please permit me to $\frac{\text{import}}{\text{transport}}$.....gallons of Methylated Spirit rendered effectually and permanently unfit for human consumption from the $\frac{\text{Custom-house or other place}}{\text{Bonded Depot}}$ at .....I herewith enclose Treasury receipt No.....dated.....for Rs....., being the $\frac{\text{duty}}{\text{duty, price and cost of carriage}}$ on the aforesaid quantity.

Licensed Chemist or other person,

Address in full.....

Form M. S.—4.

Register of Methylation in the.....Distillery.

Date	Methylation materials						Spirits Methylated			Remarks (Here enter whence materials received, number and date of Chemical Examiner's report, authority for Methylation, etc.)
	Description	Unit	In hand	Received	Total in hand and received	Used	Vat No.	Quantity	Strength	
1	2	3	4	5	6	7	8	9	10	11

Form M. S.—6.

Chellan for the payment of money into a Taluk Treasury on account of Methylated Spirit.

No.

To

The Treasury officer.....

Sir,

Please receive the sum of Rs..... as detailed below on account of..... gallons of Methylated Spirit to be $\frac{\text{purchased}}{\text{imported}}$ by me—$\frac{\text{at}}{\text{from}}$ ..... under the license No.....for the shop at.....held by me :—

	Rs.	a.	p.
Duty on.....gallons at..... .....per gallon.....			
Cost of carriage at..... per gallon.....			
Price including bottling charges at .....per gallon.			
Total			

Date .....

Signature.....

License-holder.

A

No.

Dated.....

Received from.....the sum of Rs....., as detailed below, on account of.....gallons of Methylated Spirit to be $\frac{\text{purchased}}{\text{imported}}$ by him from the $\frac{\text{Bonded Depot}}{\text{Custom-house or other place}}$ at..... for his shop or other place of business under the license No.....

	Rs.	a.	p.
Duty on.....gallons at..... per gallon.....			
Cost of carriage at..... per gallon.....			
Price including bottling charges at..... per gallon.....			
Total			

Officer in charge of Treasury.

Shroff's signature.

Nagadi Gumasta.

N. B.—This chellan shall be in triplicate, the original to accompany the "Daily Cash" account to the District Treasury, the duplicate to be delivered to the licensee and the counterfoil retained in the Taluk Office.

By Order,

K. S. CHANDRASEKHARA AIYAR,

Secy. to Govt., Gen. & Rev. Depts.

No. 72—L. C., dated the 8th September 1908.

Under Rule 32 of the Rules for the conduct of the Mysore Legislative Council, the following bill together with the statement of Objects and Reasons therefor, is hereby published for general information :—

The Village Tank Panchayet Bill.

Preamble.

WHEREAS the customary obligations of raiyats in Mysore in regard to the maintenance of major tanks and the restoration, repair and maintenance of minor tanks, have not been satisfactorily carried out in the past; and

WHEREAS this result is mainly due to the disappearance of the communal spirit among the raiyats and to the absence of sufficient inducements to make them take an interest in their tanks; and

WHEREAS with a view to remedy these defects and to revive the communal spirit among the raiyats, it is expedient to constitute village panchayets to have control over the tanks and to administer the funds that may be assigned for their restoration, repair and maintenance;

His Highness the Maharaja is pleased to enact as follows :—

Short title.

1. (1) This Regulation may be called the "Village Tank Panchayet Regulation, 1908."

Local extent.

(2) It extends to the whole of Mysore; and

Commencement.

(3) it shall come into force on the first day of January 1909.

Definitions.

2. (*a*) In this Regulation, unless there is something repugnant in the subject or context—

(1) "Tank" means any source of irrigation and shall include an anicut, a voddu, a talparige; and a channel whether used as a feeder, irrigation or distribution channel and whether drawn from a tank, anicut, river, or water course.

(2) "A major tank" means a tank the annual assessment on whose irrigable area is not less than Rs. 300 and shall also include such other tanks as the Government may for any reason notify as major tanks;

All other tanks are "minor tanks."

(3) "Construction" means the creation of a new tank.

(4) "Restoration" means restoring to an efficient condition a tank which, from neglect, accident or other cause, has fallen into disuse or become impaired or less efficient than formerly.

(5) "Improvement" means increasing the capacity of a tank so as to provide additional water for irrigation or otherwise rendering it more useful for purposes of irrigation.

(6) "Maintenance" means works of petty repair required to keep or maintain a tank at the standard of safety that may be fixed for it after its construction, restoration or improvement, and includes the following :—

(i) The maintenance of the bund to the standard level and with the slopes specified, the specification of the level and slope being in accordance with the existing state of

things and being approved both by the Executive Engineer and the Deputy Commissioner of the District.

(ii) The filling up of gullies or other inequalities caused by rain, the treading of cattle, etc., upon the bunds of tanks and channels.

(iii) The checking of the growth on bunds of prickly-pear, and any similar rank and pernicious weed.

(iv) The clearing of any underwood from the bunds of tanks wherever it may be injurious.

(v) The clearing and repair of the earthwork of petty and branch channels, and the clearing away of the accumulations in sluices and in all channels issuing from tanks, which obstruct the flow of water to the fields.

(vi) The keeping in order the supply channels of tanks.

(vii) The watching of the bunds of all tanks during rainy weather, turfing the parts acted on by the waves, helping in opening and closing the sluice, and generally the performance of minor duties of this nature in order to prevent breaches and other accidents.

(7) "Repair" means special repairs rendered necessary by storm, flood, or other unforseen accident.

(8) "Village" includes a group of villages for which a Village Tank Panchayet may be constituted or where such Panchayet is constituted for the control of a tank or group of tanks, the area comprised within such limits as the Government may direct.

(9) "Raiyats" shall include Pattadars, Shikmidars, Inamdars and others holding lands attached to the village, either dry, garden or wet, and inhabitants of the village and all others deriving any benefit whatever from the tank either directly or indirectly.

(10)a "Patel" and "Shanbhog" mean the persons officiating as patel and shanbhog, respectively. of the village, and where a Village Tank Panchayet is constituted for a group of villages or for a tank or group of tanks, such one of the patels and such one of the shanbhogs, respectively, as may be selected by the Government for the purposes of this Regulation.

(*b*) Whenever reference is made in this Regulation to the customary obligations of raiyats, in connection with the restoration, repair or maintenance of tanks, such reference shall, unless a different intention appears, be taken as applying to the obligations of raiyats as laid down in the Notification of the Chief Commissioner of Mysore, No. 65, dated the 2nd October 1873, with the alterations made therein by Government Notification No. 5262—Agri. 626-03-7, dated the 15th December 1904.

Constitution of Village Tank Panchayets.

3. For the effectual carrying out of the customary obligations of the raiyats in regard to the restoration, repair and maintenance of tanks, and for the better regulation of the use of water from tanks for purposes of irrigation, there may be constituted for any village, where the Government may consider it expedient to do so, and where a majority consisting of not less than two-thirds of the raiyats so desire, a Village Tank Panchayet composed of the patel and the shanbhog and three or more members elected by the raiyats as hereinafter prescribed;

Provided that instead of constituting a Village Tank Panchayet for a single village, the Government may, in special cases, constitute a Village Tank Panchayet as above for any specified tank or group of tanks or for a group of villages.

Qualifications for election to Panchayet.

4. Subject to the disqualifications mentioned in Section 5, every raiyat who

(*a*) owns wet or garden lands in the village on which the annual assessment is not less than Rs. 50, or

(*b*) owns dry lands in the village on which the annual assessment is not less than Rs. 20, or

(*c*) pays in the village an annual mohatarfa tax of not less than Rs. 10,

shall be qualified for election to the Panchayet.

Provided that the Government may, by notification published in the official Gazette, reduce, for any local area, the minimum amounts of assessment or mohatarfa tax prescribed above.

Disqualifications for election to Panchayet.

5. No person may be elected as a member of a Panchayet,

(*a*) who has been sentenced by a Criminal Court for an offence which in the opinion of Government implies moral turpitude, such sentence not having been subsequently reversed or quashed, or

(*b*) who has been declared an insolvent, or

(*c*) who is less than 21 years of age, or

(*d*) who is of the female sex.

Number of elected members of Panchayet.

6. The number of elected members of a Village Tank Panchayet shall be fixed by the Deputy Commissioner; and of the number so fixed such number, not less than one-fourth or more than one-half, as may be decided by the Deputy Commissioner, shall be elected by the raiyats holding dry lands and paying mohatarfa but not holding wet and garden lands, from among themselves; and the rest shall be elected by the raiyats holding wet and garden lands with or without dry lands, from among themselves.

Term of office of elected members.

7. The elected members of a Village Tank Panchayet shall hold office for a term of three years.

Patel to be Chairman of Panchayet.

8. The Patel shall be the Chairman of the Village Tank Panchayet and shall conduct all correspondence on behalf of the Panchayet.

The Tank Fund.

9. (1) The Panchayet shall have control over a fund to be called the Village Tank Fund, made up of the following items:—

(*a*) the amounts collected from raiyats under Section 11;

(*b*) the rent or value of the share of produce received under Section 12;

(*c*) the sale proceeds of the right of fishing in the tank, if any;

(*d*) the sale proceeds of the right of grazing in the tank bed and of the right of cutting and removing the grass on the tank bund;

(*e*) the sale proceeds of the produce of the trees in the tank and on the bund, if any;

(*f*) such grant out of the irrigation cess fund collected in the village, being either the whole or a portion thereof, as the Government may from time to time make to the fund;

(*g*) any other grant which the Government may make to the fund;

(*h*) any advance which the Government may make to the Panchayet under Section 15 for the execution of the masonry and stone work; and

(*i*) any loan which the Government may make to the Panchayet for carrying out the purposes of this Regulation.

(2) The fund shall be deposited in the Government Savings Bank or with any Agricultural Bank or Co-operative Society approved by the Deputy Commissioner, and shall be utilised by the Panchayet in executing the annual maintenance works of the major and minor tanks and the repairs of the minor tanks under its control, and for the construction, restoration or improvement of any minor tank, which may be entrusted to the Panchayet under Section 15.

(3) An account of the administration of the fund during each official year shall be submitted by the Panchayet to the general body of the raiyats at a meeting to be held within one month after the close of the official year.

Consequence of Panchayet coming into existence.

10. When a Village Tank Panchayet comes into existence under Section 3, the enforcement of the customary obligations of the raiyats, for the repair and maintenance of all the tanks in the village, shall thereafter vest in the Panchayet;

Provided that the Government may exclude any tank or tanks in the village from the control of the Panchayet.

Power of Panchayet to apportion repair and maintenance work among raiyats or to carry out work and recover cost from raiyats.

11. (1) The Panchayet shall have the power to apportion the work required for the repair or maintenance of the tank or tanks under its control, among the raiyats according to their respective obligations.

(2) If a raiyat fails to do the work allotted to him or prefers to commute his quota of labour into a money payment, the Panchayet shall itself get the work done out of the funds at its disposal, recovering from him the cost of such work as fixed by it.

(3) For determining the amount to be recovered from a raiyat under the last preceding sub-section, the Panchayet shall have the power to fix the wages of labour per diem, subject to such maximum and minimum rates as may be laid down by the Government.

Power to grant tank bed for cultivation.

12. The Panchayet shall have power to grant the bed of the tanks under its control for temporary cultivation of quick-growing crops on such terms as regards payment of rent or share of produce as may be deemed fit by it.

Power of Panchayet to regulate the issue of water for irrigation.

13. The Panchayet shall have power to decide on the time for commencing the sowing of wet crops on the wet lands below the tanks under its control and to regulate the issue of water for irrigation from such tanks.

Power to restrict wet cultivation.

14. (1) A Village Tank Panchayet, specially empowered by Government in this behalf, may, in any year, having regard to the quantity of water available in any tank under its control,

(*a*) determine the portion, out of all wet lands in the irrigable area of such tank, to be cultivated with wet crops and confine the supply of water for irrigation to such portion;

(*b*) refuse to allow water from the tank for the cultivation of sugarcane to all or any of the lands in its irrigable area;

(*c*) select a compact and suitable block as near to the sluice of the tank as possible and parcel it out among the different raiyats who may be desirous of growing sugarcane on such terms as regards the rent or share of the produce to be paid to the holder or holders of the lands comprised within the block as may appear to it to be reasonable and as may be agreed to by such holder or holders.

(2) No such power as is referred to in Sub-section (1) shall be conferred on a Village Tank Panchayet in regard to any tank under its control except with the consent of a majority of not less than two-thirds of the raiyats holding wet lands under such tank.

(3) If, in accordance with a decision of the Panchayet under clause (*a*) of Sub-section (1), any land assessed as wet is not supplied with water for irrigation, the holder of such land shall be entitled to remission of half the assessment of such land.

Panchayet may be entrusted with construction, restoration and improvement of minor tank.

15. (1) If, with the approval of a majority of not less than two-thirds of the raiyats who would derive benefit from the construction, restoration or improvement of a minor tank, a Village Tank Panchayet agrees to undertake the construction, restoration or improvement, as the case may be, of such minor tank, the execution of all the necessary work, with the exception of the masonry and stone work, may be entrusted to the Panchayet.

(2) The masonry and stone work required shall be executed by the Government at its cost; but if the Panchayet undertakes to execute it, such work may also, at the discretion of the Deputy Commissioner, be entrusted to the Panchayet, the estimated cost of such work being advanced to the Panchayet by the Government.

(3) The Panchayet shall be bound to have all the work entrusted to it executed according to the specifications and constructive details furnished by the Deputy Commissioner and within such time as may be allowed by the Deputy Commissioner.

Recovery of moneys due to Tank Fund.

16. All moneys due to the Village Tank Fund shall, in default of payment by the person from whom such moneys may be due, and on the application of the Panchayet, be recoverable by the Deputy Commissioner as arrears of land revenue.

Power of Government to abolish Panchayet in case of incompetency, default or abuse of powers.

17. (1) If, in the opinion of the Government, any Village Tank Panchayet is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Regulation, or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it, in the Official Gazette, abolish the Panchayet.

(2) When a Panchayet is so abolished—

(*a*) the members of the Panchayet shall, as from the date of the order, vacate their offices as such members; and

(*b*) the Deputy Commissioner shall take charge of the funds of the Panchayet, if any, and shall enforce the customary obligations of the raiyats in the same manner as if the Panchayet had not been constituted and may utilise such funds for the purposes referred to in Section 9 in the same manner as the Panchayet may have utilised the same.

(3) A Panchayet thus abolished may, after such time as the Government may think fit, be reconstituted under the provisions of Section 3.

Obligation of the raiyats under the ordinary law unaffected.

18. Nothing in this Regulation shall be deemed to relieve the raiyats of any of their obligations under any law, or any rule, order or custom having the force of law, in regard to the restoration, repair and maintenance of tanks.

Power of Government to make rules and the matters in regard to which rules may be framed.

19. (1) The Government may, for the whole or any part of Mysore, or for any Panchayet or group of Panchayets, make rules to carry out the purposes of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may,—

(*a*) provide for the preparation of lists of persons qualified to vote under Sections 6, 14 and 15 and of persons qualified for election to the Panchayet under Sections 4 and 5;

(*b*) prescribe the procedure to be adopted at meetings of voters;

(*c*) prescribe the procedure to be adopted by Panchayets at their meetings;

(*d*) prescribe the accounts and books to be kept by the Panchayet and provide for the audit of such accounts;

(*e*) prescribe the accounts, returns and reports to be furnished by Panchayets.

STATEMENT OF OBJECTS AND REASONS.

There are numerous tanks both large and small in the Mysore State, on the proper upkeep of which the prosperity of the country depends. It has always been recognised that the responsibility for the upkeep of tanks rests upon the raiyats who derive benefit from them, and, so far back as 1873, a set of rules was framed by the Chief Commissioner of Mysore (Notification No. 65, dated the 2nd October 1873) for the enforcement of the customary obligations of the raiyats in regard to the maintenance of tanks which have been restored and handed over to them for upkeep. It is under these rules as slightly modified by Government Notification No. R. 5262—Agri. 626-03-7, dated the 15th December 1904, that the maintenance of restored tanks is at present enforced.

2. It has however been found as a matter of experience that on the one hand the enforcement of the rules is attended with various difficulties due mainly to the disappearance of the communal spirit among the villagers, and that on the other hand the village officers who have been entrusted with the enforcement of the rules, have been slack in the discharge of this duty, with the result that many tanks have been allowed to deteriorate, and some of them to a serious extent.

3. This unsatisfactory result appears to be traceable to the fact that the maintenance of tanks has been treated as one in which Government is solely concerned and for which Government agency is alone responsible, the principal factor in the problem, namely, the raiyat owning lands under the tank, having been more or less ignored. Nothing has been done to interest the raiyat in the tank, and to secure his willing and intelligent help and co-operation in the mater of its repair and maintenance. The remedy to the present unsatisfactory state of things would appear to lie in giving the raiyats a voice in the measures necessary for the maintenance of their tanks and also giving them powers to execute the necessary works together with control over the funds that may be set apart for the purpose. With this view it has been considered expedient to constitute village panchayets composed of the patel and the shanbhog of the village and three or more members elected by the raiyats from among themselves. The object of the present bill is to authorise the constitution of such panchayets and to lay down their powers and duties.

4. It may be noted at the outset that the bill does not contemplate the compulsory constitution of panchayets in places where the raiyats do not wish to have them. The panchayets are to be formed only in places where a majority of not less than two-thirds of the villagers desire to have panchayets constituted. Nor does the bill impose any additional obligations on the raiyats in regard to tanks and their upkeep. The existing rules based on long recognised practice laying down the liability of raiyats to maintain all tanks brought up to standard and to restore certain minor tanks are left undisturbed. The bill only alters the agency by which this liability is to be enforced and substitutes the agency of panchayets composed mostly of members elected by the raiyats themselves, in place of the purely official agency now existing. And in order to create in the raiyats a sense of responsibility and the feeling that both the Government and they are jointly interested in the proper upkeep of the tanks, it is also proposed to assign to this new agency the control of the funds set apart for the repair and improvement of tanks. It is hoped that this will, by evoking the interest and concerted action of the raiyats in a matter which is of vital importance to them, go some way towards reviving the communal spirit among them. The object of the bill being thus only to authorise the constitution of panchayets for the control of tanks, in places where the villagers desire to have such panchayets, no attempt has been made in this bill to define the duties and obligations of the raiyats in respect of tanks or to codify the existing law, based on custom and notifications and orders of Government having the force of law, in regard to tanks. A Regulation to consolidate the law in regard to tanks in Mysore would, no doubt, be a very desirable measure, but it involves various difficult questions, the solution of which is not a matter of pressing urgency.

5. The powers and duties of the panchayets are clearly defined in the various clauses of the bill, and the scope of the several provisions of the bill and the reasons therefor are discussed in the accompanying notes.

NOTES ON CLAUSES.

Preamble.—The Preamble requires no comment. It only explains briefly the object of the bill as indicated in the preceding paragraphs.

Clause 2. (a) Definitions.—The word "Tank" has been defined to include comprehensively all sources of irrigation. Tanks intended for water-supply but not for irrigation are not included in the scope of the Regulation, although they are included in the existing Tank Maintenance Rules.

In defining the term "Major Tank" the existing classification is maintained, but with this difference, namely, that the assessment of the whole "irrigable area" is taken, instead of the actual revenue collection as at present, as the latter is subject to fluctuation. Power is reserved to Government to include any particular tanks as major tanks.

The definition of "Maintenance" is based on Rule 4 of the Tank Maintenance Rules.

The definition of "Village" includes not only single villages and groups of villages, but also the area within such limits as the Government may direct in cases where a Village Tank Panchayet is constituted for the control of a tank or group of tanks.

The definition of "Raiyats" is taken from the Tank Maintenance Rules and includes all persons who are under those rules responsible for the maintenance of tanks.

The definition of "Patel" and "Shanbhog" provides for Government selecting one of several patels and one of several shanbhogs in a "Village" as defined in this Regulation, to be members of the Village Panchayet.

Clause 2 (b).—The term "customary obligations of raiyats" used in several provisions of the Regulation is defined as meaning the obligations of raiyats as laid down in the Chief Commissioner's Notification No. 65, dated 2nd October 1873, with the alterations made therein by Government Notification No. 5262—Agri. 626-03-7, dated the 15th December 1904.

Clause 3 indicates the objects of forming village panchayets and explains the circumstances under which panchayets may be formed. It is proposed to constitute panchayets only in places where Government may consider that the conditions are favourable for their successful working and where a majority of not less than two-thirds of the raiyats concerned desire to have them. Ordinarily a panchayet will deal with the tanks in a single village, but provision is made for constituting panchayets to deal with the tanks of several villages, or for a single tank or several tanks situated in a single village or several villages.

Clauses 4 and 5 define the qualifications and disqualifications for election to a panchayet. The qualification is the payment of certain minimum amounts of land assessment or mohatarfa tax, but provision is made for reducing the minimum in places where there may not be a sufficient number of persons paying the amounts fixed.

The disqualifications are the usual ones based on sex, minority, insolvency and conviction for a criminal offence.

Clause 6 lays down that the number of elected members for each panchayet may be fixed by the Deputy Commissioner with reference to local requirements and circumstances. In order to safeguard the interests in the tank of persons who do not own wet lands, but only depend on it for water-supply, for drinking purposes for themselves and their cattle, it is provided that not less than one-fourth or more than one-half of the total number of elected members of the panchayet, as may be fixed by the Deputy Commissioner with reference to local conditions, shall be elected by mohatarfa payers and holders of dry land who do not hold wet and garden lands, from among themselves. The remaining members are to be elected by the raiyats holding wet and garden lands.

Clause 9 (1) enumerates the various items of revenue which will be assigned to the panchayet for the upkeep, repair and restoration of tanks. Several items which now go to general revenues such as sale proceeds of the right of fishing in the tank,

grazing in the tank bed, and of the produce of trees in the tank bed or on the bund, and the rent recovered for temporary cultivation of the tank bed, are proposed to be assigned to the fund as an inducement to the villagers to come forward to constitute Village Panchayets. As the irrigation cess fund is intended for the improvement and repair of both major and minor tanks, and as the repair and improvement of major tanks is not proposed to be entrusted to the panchayet, it is provided that the Government may assign to the tank fund the whole or such portion as it may decide of the irrigation cess collected in the village. Provision is also made for the Government giving loans to the panchayet in cases where such a measure is expedient and necessary.

Clause 9 (2) prescribes where the money belonging to the fund is to be deposited and for what purposes it is to be utilised.

Clause 9 (3) directs that an account of the administration of the fund should be submitted to the general body of the raiyats at an annual meeting.

Clause 10 declares that on the formation of a panchayet for any area, the duty of enforcing the Tank Maintenance Rules with regard to all tanks in the village, which now vests in the village patel, shall thereafter vest in the panchayet; but provision is made for excluding any specified tanks from the control of the panchayet.

Clause 11 to 15 enumerate the powers which a panchayet may ordinarily exercise or which it may be specially entrusted with.

In clause 11, the power to apportion the work of maintenance under the Tank Maintenance Rules among the different raiyats and to carry out work which a raiyat may fail to do, which now vests in the patel, is transferred to the panchayet.

Sub-Clause (3) of clause 11 lays down that in order to determine the amount to be recovered from a raiyat who does not do the work allotted to him, the panchayet shall have power to fix the wages of labour subject to such maxima and minima as may be fixed by Government. It is not proposed to provide for any appeal to higher authority in regard to the exercise of this or other powers of the panchayet as public opinion in the village may be relied upon to act as a sufficient check against the panchayet acting in an unfair or arbitrary manner.

Clause 12 empowers the panchayet to give out the beds of tanks for temporary cultivation on such terms as it may lay down. The usual objections to the cultivation of tank beds are mostly objections against the use of manure which would render the water of the tank unfit for drinking purposes. The panchayet may be trusted to see that no such manure is used.

Clause 13 provides that in order to avoid the waste of water that may be caused by different raiyats commencing the sowing of wet crops at different times, the panchayet may decide on the time when such operations should be commenced, and also empowers the panchayet to regulate the issue of water from the tank.

Clause 14 is one of the most important clauses in the bill and constitutes an innovation which may be of far-reaching effect. This clause provides that a panchayet specially empowered by Government in this behalf may, having regard to the quantity of water available in the tank, impose such restriction as it may consider necessary on wet cultivation below the tank; but it is proposed to give this power only with the consent of a majority of not less than two-thirds of the raiyats holding wet lands under the tank who would be affected by the exercise of this power. It is well known that in seasons of short rainfall all the raiyats holding lands under a tank put their lands under wet cultivation, even when it is quite certain that the supply of water in the tank will not suffice to irrigate all their lands, with the result that all of them suffer from shortage in harvests, if not from total failure of crops. Similarly, there is now no restriction against any raiyat planting sugar-cane anywhere below the tank, and the result is that sugar-cane is planted in small patches here and there and this involves considerable waste of water. It is proposed to give the panchayet (with the consent of the wet land-holders) the power to determine with reference to the amount of water available in the tank, the extent out of each wet holding which should be cultivated with wet crops, to prevent the cultivation of sugar-cane altogether if the water in the tank is insufficient for such cultivation, or to select a suitable block near the sluice of the tank and

parcel it out among the different raiyats who may wish to grow sugar-cane on such terms as regards rent or share of produce as may be agreed upon with the owner or owners of the block. If on account of shortage of water in the tank any land assessed as wet is not supplied with water for irrigation, it is proposed that half the assessment on the land should be remitted.

It is a question how far these provisions can be successfully worked. There is no combination among the raiyats, and the spirit of making a small personal sacrifice with a view to securing large common good has almost disappeared from the country. When carefully considered, however, there is really no sacrifice of individual interests involved in the case. Under the existing system, it is, as explained above, a case of a general scramble for water and of all being losers when there is insufficiency of water in the tank.

It is difficult to say whether all the raiyats in a village will be willing to abide by the decision of the panchayet that, in view of the insufficiency of the supply of water, a few of the lands should not grow irrigated crops. If they are prepared to accept such a decision and show some self-restraint, this will be a measure of the extent to which the spirit of combination and sacrifice, which the Government wish to revive, has been brought into existence. In the face of this moral gain, the remission of half the wet assessment proposed in sub-clause (3) as an inducement to the raiyats should not be a matter of much concern.

It is true that in Mysore we follow the Bombay system of settlement under which lands are classed with reference to the capacity of the tanks to supply irrigation to them and the assessment on them is fixed on the average of a series of years making sufficient allowance for deficiencies of rainfall and other vicissitudes of the season. Consequently the Government is not bound to grant full or partial remission in bad years, nor has it been customary to do so as a general rule. But it must be admitted that in spite of all the care taken by the Survey Department more land is sometimes entered in the accounts as irrigable by a tank than can properly be irrigated by it ; and that, although the average works out fairly and equitably in the long run, the vicissitudes of the seasons are often such as to cause hardship in limited tracts and in individual cases, in particular years.

A different and a more elastic, and possibly on that account a better, system prevails in the neighbouring Presidency of Madras, and representations have been made that that system may with advantage be adopted in Mysore. It is not practicable at this stage to alter the whole system of revenue settlement in force in the State ; but the Government have, however, been always, as a matter of concession, giving partial or total remission in cases of widespread drought. The present scheme affords the means of meeting in an automatic manner cases of limited or individual hardship due to failure of water-supply. The system of granting remissions which prevails in Madras is liable to abuse as the question of deciding whether there was any loss or shortage of crops is left to the subordinate officials. The scheme now proposed has the merit of leaving a question of this kind to the decision of the panchayet elected by the villagers themselves. It is not likely that the concession would in any way be abused or that it would lead to any serious loss of revenue, as a panchayet representing the raiyats would not put lands out of wet cultivation unless there were very good reasons for doing so. The Government assessment represents but a small proportion of the value of the total produce, and the community will not willingly forego the profits to be derived from wet cultivation simply to have the benefit of having half the wet assessment remitted. And from the point of view of the successful inauguration and working of this scheme, it is only some such concessions as these that will bring the people together and induce them to take an interest in the working of the panchayets. Besides, this system will afford valuable data about the irrigational capabilities of tanks and be of use in future settlements, as well as enable the Government to rectify any serious inequalities that may be disclosed in existing settlements.

Clause 15 deals with the construction, restoration and improvement of minor tanks. Under the existing system, Government does not undertake such construction, restoration or improvement unless the raiyats come forward and do the earthwork, when the Government gets the masonry and stone work executed. This clause lays down that if the panchayet undertakes to execute such construction,

restoration or improvement, the Government may entrust to the panchayet all the work required with the exception of stone and masonry work which will be done at the cost of Government. It is also laid down that the Deputy Commissioner may at his discretion entrust the execution of masonry and stone work also to the panchayet.

Clause 16 provides that moneys due to the Tank Fund may be collected as arrears of land revenue.

Clause 17 provides for the abolition of a panchayet in cases of incompetency or of persistent default in the discharge of its duties, or of exceeding or abusing its powers and lays down that when a panchayet is abolished the Deputy Commissioner may take possession of the funds of the panchayet and enforce the maintenance of tanks under the ordinary rules.

Clause 18 only states the fact that nothing in the Regulation is to be deemed to relieve the raiyats of any of their obligations in regard to the restoration, repair and maintenance of tanks under the ordinary law or rules having the force of law.

Clause 19 provides for the making of rules for carrying out the purposes of the Regulation.

By Order,

C. S. BALASUNDARAM IYER,
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